

RENTON CITY COUNCIL

Regular Meeting

April 6, 1998 Council Chambers
Monday, 7:30 p.m. Municipal Building

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

ROLL CALL OF COUNCILMEMBERS

BOB EDWARDS, Council President; TIMOTHY SCHLITZER; KING PARKER; DAN CLAWSON; KATHY KEOLKER-WHEELER; TONI NELSON. MOVED BY EDWARDS, SECONDED BY PARKER, COUNCIL EXCUSE ABSENT COUNCILMEMBER RANDY CORMAN. CARRIED.

CITY STAFF IN ATTENDANCE

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; SUE CARLSON, Economic Development, Neighborhoods and Strategic Planning Administrator; MIKE KATTERMANN, Director of Neighborhoods & Strategic Planning; BETTY NOKES, Economic Development Director; PETER ROSEN, Senior Planner; DEPUTY CHIEF JOE PEACH, Police Department.

APPROVAL OF COUNCIL MINUTES

MOVED BY EDWARDS, SECONDED BY SCHLITZER, COUNCIL APPROVE THE MINUTES OF MARCH 23, 1998, AS PRESENTED. CARRIED.

PUBLIC HEARING Development Services Regulatory Reform Ordinance Changes

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider amendments to the Regulatory Reform Ordinance for exemptions from procedural requirements, exclusions from time limits, and public notice requirements.

Peter Rosen, Senior Planner, explained that the amendments are proposed to better organize and refine some provisions of the Regulatory Reform Ordinance. Additional amendments will be proposed at a later date to implement new SEPA rules adopted last October.

Continuing, Mr. Rosen said the first proposed amendment would exempt non-projects such as Comprehensive Plan amendments (and any associated rezones) or development regulation amendments from the public notice and procedural requirements that apply to projects. The second change is a proposed exemption to the requirement that permit decisions be issued in 120 days. Certain exemptions are allowed by State law, and the proposal is to exclude a one-year period (with a possible one-year extension) for the preparation of a draft and final environmental impact statement.

The third and final proposed change is to allow the Zoning Code Administrator to modify or waive the requirement that notice of development applications be mailed to property owners within 300 feet of the subject property. Staff

recommends this be changed for projects on irregular-shaped properties or for large sites where project work would affect only a small area of the overall site.

Audience comment was invited.

Ralph Evans, 3306 NE 11th Pl., Renton, 98056, was concerned that the proposed changes not limit public notice of projects or opportunities to provide input. Referring to the third proposed change, he wondered if the terms "irregular-shaped" or "large" would be specifically defined, or ambiguously determined by the Zoning Administrator.

Mr. Rosen responded that staff felt it would be too difficult to specific these, so their interpretation will be left up to the Zoning Administrator.

There being no further audience comment, it was MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.

Mayor Tanner noted that this item will remain in Planning & Development Committee pending a final recommendation to the full Council.

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 1998 and beyond. Items noted included:

- * The Army Corps of Engineers hosted a meeting with regulatory agencies to discuss project mitigation for the Cedar River Section 205 flood control project.
- * Police Officer David Adam received a letter of commendation for administering life-saving measures to a four-month-old baby on March 17th.
- * The City has established a Domestic Violence Task Force to stop domestic violence by means of a comprehensive and coordinated response.
- * Approximately 200 people attended the March 25th open house where various downtown projects were explained.

AUDIENCE COMMENT Citizen Comment Carlson - Sale of Drug Paraphernalia

Heidi Carlson, 806 Index Ct. NE, Renton, 98056, reported that the adult bookstore in the Highlands has expanded its merchandise to include drug paraphernalia. She asked how the business owner was given this license by the City, and if it could be revoked. Noting that one business in particular sells knives, pagers, drug paraphernalia and pornography along with milk, butter and gas, she asked if the sale of drug-related items can be regulated in any way.

On another subject, Ms. Carlson asked if the grant for the two police officers patrolling the Highlands area will be renewed, and if the City must provide matching funds for this.

Chief Administrative Officer Jay Covington replied that the business owner can legally sell "tobacco use products" because this is an allowed use in the zone where his business is located. In the absence of illegal drugs, drug paraphernalia cannot be prohibited.

Responding to Ms. Carlson's question about the police officers, Mr. Covington said it was his understanding that even in the absence of grant funding, it is the City's intention to maintain these officers at their current location.

Councilman Dan Clawson was interested in finding out whether the City could prohibit the sale of drug paraphernalia. City Attorney Lawrence J. Warren said he was not aware of any such regulation that has been able to withstand judicial challenge.

Citizen Comment Beckley -
Sale of Drug Paraphernalia

Phillip Beckley, 655 Ferndale Ct. NE, Renton, 98056, said the Highlands Community Association is planning to perform a study on the secondary impacts of sex-oriented businesses. He was also concerned about the sale of drug paraphernalia in the Highlands, and suggested that Renton, along with other municipal jurisdictions, lobby the State to prohibit the sale of such items.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

CAG 98-023, 1998 Street
Patch, Lakeridge Paving

City Clerk reported bid opening on 3/31/98 for CAG-98-023, 1998 Street Patch project; six bids; engineer's estimate \$204,568.60; and submitted staff recommendation to award the contract to the low bidder, Lakeridge Paving Co., in the total amount of \$155,072.40. Council concur.

Appeal Upper Monster Rd
Warehouse, Opus NW, SA-
97-164

City Clerk reported appeal of Hearing Examiner's decision to deny a variance for the Upper Monster Road Warehouse project (1200 Monster Rd. SW) to allow clearing on slopes in excess of 40%; appeal filed on 3/18/98 by Roger Pecsok, Opus Northwest LLC, 200 - 112th Ave. SE #205, Bellevue, 98004 (File No. SA-97-164). Refer to Planning & Development Committee.

Vacation Aberdeen Ave
NE/NE 33rd St
(Tharp/Clise, VAC-98-002)

City Clerk submitted petition to vacate a portion of Aberdeen Ave. NE and NE 33rd St.; petition filed on 3/25/98 by John J. Tharp and Marilyn Tharp Clise (represented by Rob Purser, 16016 - 118th Pl. NE, Bothell, 98011). Refer to Board of Public Works; set public hearing on 4/27/98 to take testimony on the request. (See page 119 for resolution setting the public hearing.)

CAG 97-175, Mazda &
Holm Bldgs Asbestos, Lead
& PCB Abatement, Wm
Dickson Co

Community Services Department submitted CAG-97-175, Asbestos, Lead and PCB Abatement of the Mazda & Holm Buildings; and requested approval of the project, authorization for final pay estimate in the amount of \$74,917.44, commencement of 60-day lien period, and release of retained amount of \$3,615.71 to William Dickson Co., contractor, if all required releases are obtained. Council concur.

Planning Newcastle Hook
Deannexation

Economic Development, Neighborhoods and Strategic Planning Department recommended that a public hearing be set for April 13, 1998, to consider extending the building moratorium imposed on the "hook" area to be deannexed to the City of Newcastle. Council concur.

Community Event River Days Permit Fee Waivers & Banner Installation

Executive Department requested waiver of permit fees for Renton River Days activities endorsed by the Renton River Days Board of Directors; and for permission to install River Days banners on City light poles for approximately six weeks from June 29 through August 15, 1998. Refer to Community Services Committee.

Human Services Housing Repair Assistance Program Policies

Human Services Division recommended approval of new policies for the City's Housing Repair Assistance Program to assist in the delivery of services. Refer to Community Services Committee.

Legal DOE Determination of Non-Significance Process

Legal Department submitted proposed ordinance adopting the Department of Ecology's optional Determination of Non-Significance process which would be more efficient for use in certain smaller projects. Refer to Planning & Development Committee.

Public Works Green/Duwamish Watershed Ecosystem Restoration Study, Interlocal Agreement (CAG-98-)

Surface Water Utility Division requested approval of an interlocal agreement with various jurisdictions for the Green/Duwamish Watershed Ecosystem Restoration Study, an analysis of habitat needs and priorities for salmon and other fish and wildlife species in the watershed. Renton's cost share is \$13,000 (\$11,963 cash and \$1,037 of in-kind services/staff time). Refer to Utilities Committee.

Transportation Main Ave S Design Engineering Services, CH2M Hill, CAG-98-

Transportation Systems Division requested approval of a consultant contract in the amount of \$119,704 (Renton's cost share, \$39,704) with CH2M Hill for design engineering services for replacement of a storm main in Main Ave. S. from S. 3rd to S. 4th Streets, as well as on-call consulting services for construction of the Main Ave. S. improvements. Staff also requested approval of the traffic control and staging plan for this project. Refer to Transportation Committee.

Streets Renton Ave S Overlay, King County Agreement, CAG-98-

Transportation Division recommended approval of an interlocal agreement with King County for overlay work on Renton Ave. S., which lies within both King County and Renton. Renton's cost share of the project is \$25,770. Council concur. (See page 119 for resolution.)

Lease Lane Aviation Lease Division (LAG-85-013)

Transportation Division submitted request from Lane Aviation to divide its ground lease (LAG-85-013) into two parcels and to extend the lease period from December 31, 2005 to December 31, 2028. Refer to Transportation (Aviation) Committee.

MOVED BY EDWARDS, SECONDED BY SCHLITZER, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.

CORRESPONDENCE
Executive Regional Finance and Governance Plan, GMPC

Correspondence was read from Mayor Tanner to Council President Bob Edwards and the City Council regarding the proposed Regional Finance and Governance Plan (RF&G). Based on information provided by the City Attorney, Mayor

Tanner stated that the Administration's position on this matter is as follows:

- The RF&G plan was not approved nor concurred in by a majority of the cities and towns that comprise the membership of the Suburban Cities Association (SCA); therefore, the transmittal of the plan to the Growth Management Planning Council (GMPC) was improper. The authority of the GMPC does not authorize it to do anything other than develop and obtain the ratification of the County-wide Planning Policies (CPPs). The GMPC does not have the authority to adopt the RF&G plan.

The RF&G plan, if ratified, will become mandatory for all jurisdictions, even if they voted against it. This would violate the mutual assent to contract which is fundamental to contract law.

- The proposed process of ratification is far less than that required by State Substitute Senate Bill (SSB) 5038.

Formally oppose the plan and question the way in which it was placed before the GMPC.

Authorize the Administration to request, together with other like-minded cities, a special meeting of members only to discuss this plan and the appropriate procedure for negotiating amendments to it.

Authorize the Administration to commit staff support and funding to the SCA to develop an alternative RF&G plan acceptable to suburban cities.

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Council President Edwards noted that by ratifying the County-wide Planning Policies (CPPs) and their amendments, Renton may have, by implication, accepted the continued vitality of the GMPC. City Attorney Warren concurred that the longevity of the GMPC has been extended by an agreement, a copy of which he has not yet seen. On two occasions, however, Renton formally accepted positions taken by the GMPC, including amendments to the CPPs. Further research is required to determine whether the GMPC has been formally authorized to take steps to satisfy the provisions of State Substitute Senate Bill 5038.

Mayor Tanner commented that his primary concern was that the SCA did not approve the RF&G moving forward as an approved plan, although King County and the County Executive apparently consider it to be SCA-approved. Council President Edwards added that the SCA is scheduled to discuss the plan on April 22nd.

MOVED BY EDWARDS, SECONDED BY SCHLITZER, COUNCIL REFER THE MEMO FROM MAYOR TANNER ON THIS ISSUE TO THE COMMITTEE OF THE WHOLE. CARRIED.

OLD BUSINESS

Finance Committee

EDNSP Puget Sound
Blood Bank & Program
Tax-Exempt Bonds

Finance Committee Chair Parker presented a report recommending concurrence with the King County Enterprise Corporation's request to issue tax-exempt Industrial Revenue Bonds for the purpose of building a facility in Renton. The bonds will be used to build the Puget Sound Blood Bank's new high-tech lab facility at 501 SW 39th Street. The Blood Bank qualifies for the revenue bonds per RCW 39.84. This legislation requires that the city within the planning jurisdiction of the project approve the issuance of the revenue bonds. There is no liability to the City of Renton, and no public money shall be used to pay for debt service. The Committee further recommended that the resolution regarding this matter be presented for reading and adoption. **MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.** (See page 120 for resolution.)

Legal Public Defender
Associate Allegations

Councilmember Keolker-Wheeler asked if allegations made by a speaker at a recent Council meeting concerning an associate at the law firm of the City's public defender had been explored. City Attorney Warren replied that the matter was investigated, and the conclusion reached that the person named was never convicted of a crime.

CAG 98-025, New City
Hall Active Electronics
(Voice & Data
Infrastructure), US West
Protest

Councilmember Keolker-Wheeler inquired about the bid award for the New City Hall Active Electronics (Voice and Data) project, which had been challenged by US West. City Attorney Warren reported that despite its disagreement with the City's decision to award this contract to GTE, US West has decided not to pursue litigation on this matter.

ORDINANCES AND RESOLUTIONS

The following resolutions were presented for reading and adoption:

Resolution #3316

Vacation Aberdeen Ave
NE/NE 33rd St
(Tharp/Clise, VAC-98-002)

A resolution was read setting a hearing date on April 27, 1998, to consider vacating a portion of Aberdeen Ave. NE and NE 33rd St. (Tharp/Clise, VAC-98-002). MOVED BY EDWARDS, SECONDED BY NELSON, COUNCIL ADOPT THE RESOLUTION AS PRESENTED. CARRIED.

Resolution #3317

Streets King County
Overlay of Renton Ave S

A resolution was read authorizing the Mayor and City Clerk to enter into an interlocal cooperative agreement with King County for asphalt overlay, seal coat and shoulder improvement for Renton Ave. S. between Rainier Ave. N. and SW Victoria Street. MOVED BY EDWARDS, SECONDED BY NELSON, COUNCIL ADOPT THE RESOLUTION AS PRESENTED. CARRIED.

Resolution #3318

EDNSP Puget Sound
Blood Bank & Program
Tax-Exempt Bonds

A resolution was read approving the issuance of tax-exempt variable rate demand industrial revenue bonds of the King County Economic Enterprise Corporation for the benefit of Puget Sound Blood Center and Program pursuant to RCW 39.84.060. MOVED BY EDWARDS, SECONDED BY NELSON, COUNCIL ADOPT THE RESOLUTION AS PRESENTED. CARRIED.

The following ordinance was presented for first reading and referred to the Council meeting of 4/13/98 for second and final reading:

Planning Shoreline Master
Program Amendments

An ordinance was read repealing Ordinance No. 4695 and adopting amendments to the Shoreline Master Program. MOVED BY KEOLKER-WHEELER, SECONDED BY EDWARDS, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 4/13/98. CARRIED.

The following ordinances were presented for second and final reading:

Ordinance #4714

Vacation Lake Ave S
(Safeway/VAC-95-001)

An ordinance was read vacating the southerly one-third of Lake Ave. S. extending south from S. 2nd to S. 3rd Streets (Safeway, Inc./VAC-95-001). MOVED BY EDWARDS, SECONDED BY NELSON, COUNCIL ADOPT THE ORDINANCE AS PRESENTED. ROLL CALL: ALL AYES. MOTION CARRIED.

Ordinance #4715

EDNSP CD Zone Changes
re Gas Stations, Vehicle
Service etc.

An ordinance was read amending Chapter 31, Zoning Code, of Title IV (Building Regulations) of City Code relating to gas stations, vehicle service, mini-marts, and related uses, adding or modifying definitions related to those uses, adjusting land use allowances for those uses in commercial and industrial zones, and clarifying landscaping and screening requirements in the commercial and industrial zones when abutting other described uses. MOVED BY EDWARDS, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE ORDINANCE AS PRESENTED. ROLL CALL: ALL AYES. MOTION CARRIED.

EXECUTIVE SESSION

MOVED BY EDWARDS, SECONDED BY KEOLKER-WHEELER, COUNCIL RECESS INTO EXECUTIVE SESSION FOR 60 MINUTES TO DISCUSS PROPERTY ACQUISITION. Time: 8:35 p.m.

The meeting was reconvened at 9:37 p.m.; roll was called; all Councilmembers present.

ADJOURNMENT

MOVED BY SCHLITZER, SECONDED BY NELSON, COUNCIL ADJOURN. CARRIED. Time: 9:38 p.m.

MARILYN J. PETERSEN, CMC, City Clerk

Recorder: Brenda Fritsvold
4/06/98